

The Court reviewed the defendants’ submissions mindful of the “liberal standard of admissibility for expert opinions” embodied in Fed. R. Evid. 702 and the command of Fed. R. Evid. 403 that evidence be excluded from a proceeding if its probative value is substantially outweighed by the danger(s) of unfair prejudice, confusion of issues or misleading the jurors. *Nimely v. City of*

New York, 414 F.3d 381, 395-97 (2d Cir. 2005). The Court also considered whether the proposed opinion evidence will assist the jurors in performing their fact-finding task. Based on the Court's analysis of the defendants' submissions, the Court finds that: i) the methodologies the physicians employed, which include reviewing medical records and diagnostic images, performing physical examinations where warranted, and drawing upon professional training and experience, are reliable; ii) the physicians' opinions will be premised on sufficient facts and data; and 3) the opinions elicited from the physician witnesses will assist the jurors in understanding relevant medical-related issues that are beyond the ken of the typical juror and that will likely constitute a significant portion of the evidence presented at the trial. Therefore, the defendants may elicit opinion evidence, at the trial of this action, from the three physicians identified above.

Dated: New York, New York  
September 23, 2021

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

